

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

MELVIN JACKSON,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 1:09-cv-102 (WLS)
	:	
BRIAN OWENS, <i>Commissioner</i> ,	:	
	:	
Respondent.	:	
	:	

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed October 12, 2011. (Doc. 49). It is recommended that Petitioner's 28 U.S.C. § 2254 habeas corpus petition, which challenges Petitioner's 2006 Dougherty County pleas to aggravated assault and felony obstruction, convictions for criminal damage to property and theft by taking, and probation revocation (*see* Doc. 2), be denied due to procedural default—that is, Petitioner's failure to raise in state court several of the grounds for habeas relief asserted in his § 2254 Petition; a lack of legal merit as to Petitioner's ineffective assistance of counsel claims; and Petitioner's failure to state a cognizable claim under § 2254. (Doc. 49 at 3-9). The Court's denial of Petitioner's certificate of appealability is also recommended. (*Id.* at 10).

The Report and Recommendation provided the Parties with fourteen (14) days¹ from the date of its service to file written objections to the recommendations therein. (*Id.*). The period for

¹ The Parties were given an additional three days because service was made by mail. *See* Fed. R. Civ. P. 6(d) (adding three days to specified period within which a party may act if service is made under Rule 5(b)(2)(C) by mailing process to a party's last known address).

filing objections expired on Monday, October 31, 2011;² no objections have been filed to date. (See Docket).

Upon full review and consideration of the record, and in view of the absence of any objection from the record, the Court finds that U.S. Magistrate Judge Thomas Q. Langstaff's October 12, 2011 Report and Recommendation (Doc. 49) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Plaintiff's federal habeas corpus petition, filed pursuant to 28 U.S.C. § 2254 (*see* Doc. 2), is **DENIED**.

The Court further **DENIES** Petitioner a certificate of appealability for failure to make a substantial showing of the denial of a constitutional right, sufficient to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c)(2).

SO ORDERED, this 10th day of November 2011.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT**

² Pursuant to Fed. R. Civ. P. 6(a)(1)(C), because the actual deadline for filing objections—Saturday, October 29, 2011—fell on a weekend, the deadline was extended to Monday, October 31, 2011. *See* Fed. R. Civ. P. 6(a)(1)(C).